

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

RESPONSE TO JULY 9, 2019 ORDER OF THE COURT

The United States of America, by and through the U.S. Attorney for the District of Columbia, files this response to the Court's July 9, 2019 Minute Order directing the government to explain how recently unsealed records in *United States v. Bijan Rafiekian*, Criminal Action No. 18-457 (E.D. Va.) "will impact the proceedings before this Court." At this time the government cannot speculate on how specifically the aforementioned records will impact the government's sentencing position in the proceedings before this Court. Although the records raise numerous issues, the *Rafiekian* trial may still impact the government's position. For example, Rafiekian could call the defendant to testify at trial. As a result, the government intends to reassess its sentencing position at the conclusion of that trial.

Additionally, the government previously had not opposed the defendant's request to delay scheduling a sentencing hearing in this matter. The basis for the government's position had been that on December 18, 2018, the defendant requested a continuance "to allow him to complete [his] cooperation" in the

Rafiekian case. See Dec. 18, 2018 Sentencing Hearing Transcript, at 30-31, 46-50.

Although the government will no longer call the defendant as a witness in that case, because the defendant could be called to testify by Rafiekian, the government still believes that the sentencing hearing should be scheduled to follow the completion of that trial.

Respectfully submitted,

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By: /s/_____

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